

Honorable Timothy M Cain  
August 2023 Term

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

**NOTICE of PRE-TRIAL CONFERENCE and PLEA HEARING** and Motion Hearing.  
**PLEASE TAKE NOTICE** that the following case, which are assigned to the **Honorable Timothy M. Cain**, have been scheduled for a **hearing on August 16, 2023 at 10:00 AM and 2:00 PM** before Judge Timothy M Cain, in the G Ross Anderson, Jr. Federal Building, 315 South McDuffie Street, South Carolina in courtroom #2.

**ALL ATTORNEYS AND DEFENDANTS ARE REQUIRED TO BE PRESENT UNLESS EXCUSED BY THE COURT, OR SANCTIONS WILL BE IMPOSED.**

EACH ATTORNEY IS REQUIRED TO CONFER WITH THE UNITED STATES ATTORNEY'S OFFICE AND REVIEW THE DISCOVERY MATERIAL **BEFORE** THE PRE-TRIAL CONFERENCE.

*Motions for bond modification, in the absence of an emergency or exigent need for an expedited hearing, must be addressed by the magistrate who set the last bond.*

*Motions to adopt motions of co-defendants must set forth with specificity the relief requested and reference the document number of the previously filed motion.*

The following issues will be addressed at the Pre-trial Conference:

**MOTIONS DEADLINE: August 2, 2023**

1. **All plea bargaining must be complete prior to the Pre-trial Conference.**
2. Continuance motions pursuant to Title 18, U.S. Code, Section 3161(h).

**The court will not grant continuances in any case, if it involves multiple defendants, unless enough time is given for co-defendants' to object. Absent exceptional circumstances, the court will not grant any continuances for any defendant before the scheduled pretrial conference unless motions for continuance are filed by all defendants who have not entered guilty pleas. A motion for continuance should: (1) state a reason under the Speedy Trial Act, 18 U.S.C. § 316, et seq. as to why a continuance is requested; (2) contain a statement of counsel that the defendant consents to the continuance; (3) affirm that the defendant has been advised and understands that by requesting/consenting to a continuance he/she is waiving rights under the Speedy Trial Act; and (4) indicate whether the attorney for the Government consents to the continuance. In the absence of an order granting a continuance,**

**defense counsel, defendants, and counsel for the Government must appear at the scheduled pretrial conference.**

3. **All other timely filed motions**, including motions to suppress, dismiss, etc.

All discovery motions should be in compliance with Local Rule 12.02.

**Notify Ashley Buckingham in the Clerk's Office at 864-241-2757 when motions are resolved prior to the Pre-trial Conference.**

### **NOTICE OF CHANGE OF PLEA HEARING**

**PLEASE TAKE NOTICE** that the **PLEA HEARING** for any defendant who wishes to enter a **Plea of Guilty** will be held on August 16, 2023, immediately following the pretrial at 10:00 AM or 2:00 PM before Judge Timothy M Cain, in the before Judge Timothy M Cain, in the G Ross Anderson, Jr. Federal Building, 315 South McDuffie Street, South Carolina in courtroom #2.

**ANY PLEA AGREEMENTS SHOULD BE SCANNED AND ELECTRONICALLY FILED BY COUNSEL PRIOR TO 12:00 NOON ON AUGUST 2, 2023.**

**U.S. Attorneys: File the Penalty and Element in CMECF by AUGUST 2, 2023.**

Make sure they correctly reflect the exact elements and penalties (and drug amounts/types, if applicable) for the particular defendants/crimes and that they correctly reflect the **counts** to which each defendant will plead.

### **NOTICE OF JURY SELECTION**

All cases in which a guilty plea is not entered are scheduled for **JURY SELECTION on either August 28, 2023 at 9:00**, in the G Ross Anderson, Jr. Federal Building, 315 South McDuffie Street, South Carolina in courtroom #2 before the Honorable Timothy M Cain. **The relevant jury selection date as to each defendant is noted below.**

**PLEASE READ FOR NEW PROCEDURE:** Supplemental Juror Questionnaires and lists will be uploaded into CM/ECF as a padlocked event seven days prior to jury selection and made electronically available to counsel of record only. To obtain access, counsel must file the revised [Juror Questionnaire/List Request Form](#) in the case, using the event: **Certification – Juror Questionnaire and List Request**, found under Other Filings – Trial Documents. Counsel will no longer obtain copies from the designated copy services across the district.

*The juror questionnaires and lists and the information obtained therefrom are privileged and shall be kept confidential and shall not be shared with anyone other than the US Attorney or Federal Public Defender organization without written consent of the United States District Court. This information shall be used solely for evaluating potential jurors for service in this case and shall not be used for any other purpose. Further, the requesting party must certify, before access will be granted, that immediately after trial, he or she will destroy all copies, whether paper or electronic, of completed juror questionnaires, juror lists, and any other documents containing information obtained from the complete juror questionnaires. Failure to adhere to the above requirements would be in violation of 28 U.S.C. § 1867(f) and the District of South Carolina's Amended Jury Selection Plan Order.*

PURSUANT TO LOCAL CRIMINAL RULE 26.04, **AT LEAST ONE WEEK** prior to jury selection, counsel must submit his or her list of proposed voir dire questions and request for jury instructions to the court with copies to opposing counsel. If request for voir dire and jury instructions are not timely submitted, counsel shall have waived the right to submit written voir dire questions and written jury instructions.

***\*\*Prior to submitting any voir dire requests or jury instructions the parties are to confer and determine if they can agree on these requests. If so, these requests shall be submitted as joint submissions. All requests shall be emailed to chambers at cain\_ecf@scd.uscourts.gov. The request forms may be found at [www.scd.uscourts.gov](http://www.scd.uscourts.gov).*** Agreed-upon (JOINT) strikes for cause per case must be emailed to the Courtroom Deputy NOT LATER THAN 11:00 a.m. 2 days prior to jury selection.

**COUNSEL ARE REQUIRED TO USE THE ELECTRONIC COURTROOM PRESENTATION SYSTEM FOR TRIAL.** If your case is a trial and you did not participate in electronic courtroom training when it was offered, you should contact Ashley Buckingham (864-241-2757) regarding use of the electronic system. Training will not be conducted the morning of trial or the day prior to trial.

Beginning Monday, November 1, 2004, the Clerk's Office ceased notification of criminal defendants and sureties of hearings. Pursuant to Federal Criminal Rule 49(b): Service is made only on the attorney representing the party. Attorneys representing criminal defendants **MUST** notify your clients (and any sureties for your clients) of all hearings.

**Counsel:** If your client is on bond and arrested in another venue, **PLEASE** notify Ashley Buckingham immediately at 864-241-2757.

**DEFENDANTS CANNOT WAIVE COURT APPEARANCES UNLESS ORDERED BY THE COURT.**

**10:00 AM**

6:22cr397-1	Ethan Florez Martin <b>CUSTODY</b>	Lora Blanchard, AFPD Justin Holloway, AUSA FORFEITURE
8:22cr503-1	Oshamar Uniterious Wells Bond	Nathan Stuart Williams, Ret. Leesa Washington, AUSA FORFEITURE
8:22cr503-2	Wenona Korea Wells Bond	Cynthia Smith Crick , Ret. Leesa Washington, AUSA FORFEITURE
8:22cr503-3	Secoria Talkia Jemison Bond	Ryan Beasley, Ret. Leesa Washington, AUSA FORFEITURE
7:22cr507-1	Calvin Gerard Mills <b>CUSTODY</b>	Ernest Hamilton, Ret. Chris Schoen, AUSA FORFEITURE
8:22cr927-1	Timothy D. Tucker <b>CUSTODY</b>	Judea Davis, AFPD Bill Watkins, AUSA FORFEITURE
<del>8:22cr1011-1</del>	<del>Keith Earl Wykle</del> <del>Bond</del>	<del>Ben Stepp, AFPD</del> <del>Bill Watkins, AUSA</del> <del>FORFEITURE</del>

8:23cr95-1

Jeremy John Smith  
**CUSTODY**

Erica Soderdahl, AFPD  
Everett Eugene McMillian, AUSA  
FORFEITURE

\* \* Plea Agreement \* \*

**2:00 PM**

7:23cr96-1

Chad Lee Earnhart  
Bond

Lora Blanchard, AFPD  
Sheria Clarke, AUSA  
FORFEITURE

\* \* Plea Agreement \* \*

~~6:23cr103-1~~

~~Dennis S Lepka, Jr  
Bond~~

~~Beattie Ashmore, Ret.  
Bill Watkins, AUSA  
FORFEITURE~~

7:23cr105-1

Christine Emma Raines  
Bond

Judea Davis, AFPD  
Justin Holloway, AUSA  
FORFEITURE

7:23cr105-2

William Scott Bersaglia  
**CUSTODY**

Derek Enderlin, CJA  
Justin Holloway, AUSA  
FORFEITURE

7:23cr157-1

Shawn Antonio Miller  
**CUSTODY**

Judea Davis, AFPD  
Jamie Schoen, AUSA  
FORFEITURE

~~7:23cr257-1~~

~~Kip Fleming  
Bond~~

~~Erica Soderdahl, AFPD  
Carrie Sherard, AUSA  
FORFEITURE~~

7:23cr262-1	Daniel Joseph Hettrick	Lora Blanchard, AFPD
	<b>CUSTODY</b>	Bill Watkins, AUSA
		FORFEITURE

6:23cr375-1	Tyrone Lucarchia Jones, Jr	Beattie Ashmore, Ret.
	Bond	Justin Holloway, AUSA

7:22cr300-1	James E Loftin	Lora Blanchard, AFPD
	<b>CUSTODY</b>	Bill Watkins, AUSA

6:22cr188-2	Jesus Paz-Rodriguez	Lucas Marchant, CJA
	<b>CUSTODY</b>	Winston Marosek, AUSA
		FORFEITURE

8:22cr702-1	Jonathan Trent Patterson	William Yarborough, III, Ret.
	<b>CUSTODY</b>	Winston Marosek, AUSA